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Attorneys for Defendant Gerber Products Co.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

OULA ZAKARIA, individually and as
a representative of the class,

Plaintiff,

v.

GERBER PRODUCTS CO., a
corporation d/b/a NESTLE
NUTRITION, NESTLE INFANT AND
NESTLE NUTRITION NORTH
AMERICA,

Defendant.

Case No.: 2:15-cv-00200-JAK

[Hon. John A. Kronstadt]

**SUPPLEMENTAL
DECLARATION OF KEN D.
KRONSTADT IN SUPPORT OF
EX PARTE APPLICATION FOR
RECONSIDERATION OR
REVIEW**

First Amended Complaint
Filed: February 24, 2015
Trial Date: Dec. 6, 2016

1 I, Ken D. Kronstadt, hereby declare and state, as follows:

2 1. I am an attorney duly admitted to practice before this Court and an
3 associate of Kelley Drye & Warren LLP, attorneys of record for Defendant Gerber
4 Products Co. ("Gerber") in the above-captioned matter. I submit this supplemental
5 declaration in support of Gerber's *Ex Parte* Application (Dkt. No. 175, the "*Ex*
6 *Parte* Application") for an order granting reconsideration or review of certain
7 portions of Magistrate Judge Charles F. Eick's Order (ECF No. 167) on Plaintiff
8 Oula Zakaria's ("Plaintiff") motion to compel. I have personal knowledge of the
9 facts set forth herein. If called as a witness, I could and would competently testify
10 to the matters stated herein.

11 2. On June 21, 2016, I submitted a declaration in this matter (Dkt. No.
12 175-3) in which I stated that on June 20, 2016, I spoke with Paul Sweeny, counsel
13 for Plaintiff and informed him of the substance of Gerber's then-pending *ex parte*
14 application. The *Ex Parte* Application filed by Gerber on June 21, 2016 includes
15 one section – Section III.F, in which Gerber requests a brief extension to meet its
16 production deadline. After I filed my original declaration, (Dkt. No. 175-3), I
17 realized that I did not raise this issue of a brief extension when I spoke with Mr.
18 Sweeny on June 20, 2016, although Mr. Sweeny and I discussed the remainder of
19 the substance of the *Ex Parte* Application. At that the time that I had my discussion
20 with Mr. Sweeny, it was not clear whether Gerber would request a brief extension. I
21 apologize for any confusion that this issue may have caused.

22 I declare under penalty of perjury under the laws of the State of California
23 that the foregoing is true and correct.

24 Executed on June 22, 2016, at Los Angeles, California.

25
26
27 
28 Ken D. Kronstadt